

REMARKS

Reconsideration of the above-identified application is respectfully requested. Claims 26 to 40 are pending. Claims 26 to 40 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,592,375 to *Salmon et al.* No new matter is submitted.

Rejections Under 35 U.S.C §103

Independent claim 26 recites a method for limiting disclosure of a first description of a project for at least one of research and development. The method includes the step of accessing aggregated first data describing a set of suppliers and aggregated second data describing the project to identify a first subset of the set of suppliers. Each supplier of the first subset has a quantitative extent of correspondence between the respective aggregated first data and the aggregated second data. The method further includes the steps of determining the respective quantitative extent of correspondence and identifying the respective suppliers in the first subset utilizing the aggregated first data and the aggregated second data, the determining and identifying being performed by a stored computer program, and reporting the first subset of suppliers for a first restricted distribution of the first description of the project for a buyer seeking a supplier having a desired capacity for at least one of inventing, reducing to practice, or developing the commercial product, the first description comprising the indicators of particular subject matter.

The aggregated first data describing the plurality of suppliers comprises for each supplier (a) indicators of subject matter, wherein the subject matter is known to the supplier; and (b) quantitative indicators of supplier qualities including at least one of quantity of patents held, magnitude or quantity of grants received, and magnitude or quantity of contracts awarded. The aggregated second data describing the project comprises (a) indicators of particular subject matter including at least one of particular subject matter to be invented, particular subject matter to be reduced to practice and particular subject matter for a commercial product; and (b) quantitative indicators of particular supplier qualities including at least one of desire minimum quantity of patents held, particular minimum magnitude or quantity of grants received, and particular minimum magnitude or quantity of contracts awarded.

Independent claim 32 is a system claim that corresponds generally to the method of independent claim 26.

The cited art is not seen to disclose or suggest the features of independent claims 26 and 32, and in particular, is not seen to disclose or suggest at least the features of accessing aggregated first data describing a set of suppliers and aggregated second data describing the project to identify a first subset of the set of suppliers, each supplier of the first subset having a quantitative extent of correspondence between the respective aggregated first data and the aggregated second data, and determining the respective quantitative extent of correspondence and identifying the respective suppliers in the first subset utilizing the aggregated first data and the aggregated second data, the determining and identifying being performed by a stored computer program, wherein the aggregated first data describing the plurality of suppliers comprises for each supplier (a) indicators of subject matter, wherein the subject matter is known to the supplier; and (b) quantitative indicators of supplier qualities including at least one of quantity of patents held, magnitude or quantity of grants received, and magnitude or quantity of contracts awarded, and the aggregated second data describing the project comprises (a) indicators of particular subject matter including at least one of particular subject matter to be invented, particular subject matter to be reduced to practice and particular subject matter for a commercial product; and (b) quantitative indicators of particular supplier qualities including at least one of desire minimum quantity of patents held, particular minimum magnitude or quantity of grants received, and particular minimum magnitude or quantity of contracts awarded.

In this regard, the Office Action concedes that *Salmon et al.* do not teach utilizing aggregated second data that includes a minimum quantity of patents held, particular minimum magnitude or quantity of grants received, and particular magnitude or quantity of contracts awarded as is recited in the claims. (See Office Action page 4). In this regard, the Office Action argues that these differences are only found in “nonfunctional” descriptive material. However, as currently amended, the claims recite that the aggregated first data and aggregated second data are utilized to determine the respective quantitative extent of correspondence of each supplier between the respective aggregated first data and the aggregated second, and to identify the respective suppliers in the first subset. As such, the structure of the first and second aggregated data is not seen to be nonfunctional.

In addition, as was previously remarked in the Response dated March 24, 2005, the Federal Circuit has held that:

...if a machine is programmed in a certain new and unobvious way, it is physically different from the machine without program; its memory elements are differently arranged. The fact that these physical changes are invisible to the eye should not tempt us to conclude that the machine has not been changed. *In re Lowry* 32 F3d 1579, 32 USPQ2d 1031, 1034-1035 (Fed. Cir. 1994)

The Federal Circuit also pointed out at page 1035 that

As part of its burden to establish a prima facie case of obviousness,...the burden of establishing the absence of a novel, nonobvious functional relationship rests with the PTO. "If examination at the initial stage does not produce a prima facie case of unpatentability, then without more the applicant is entitled to grant of the patent."

quoting *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). In its conclusion, the Federal Circuit reiterated that "The Board erred by denying patentable weight to Lowry's data structure limitations."

Applicant respectfully submits that the Office action has not met "the burden of establishing the absence of a novel, nonobvious functional relationship." The Office action recognizes that *Salmon et al.* do not expressly show a minimum quantity of patents held, particular minimum magnitude or quantity of grants received, and particular magnitude or quantity of contracts awarded.

Despite recognizing that that *Salmon et al.* do not expressly show a quantity of patents held and a quantity of grants received at page 4, the Office action at page 6 appears to indicate that *Salmon et al.* do suggest "quantitative indicators of supplier qualities including at least one of quantity of patents held, magnitude or quantity of grants received, and magnitude or quantity of contracts awarded..." and cites *Salmon et al.* generally at figures 3b, 4a-4q, 5, 6a-6e, 7a-7n along with column 1, lines 18-68, column 2, lines 1-55, column 3, lines 14-48, column 4, lines 36-64, column 5, lines 5-24, column 7, lines 40-58, column 8, lines 4-61, column 10, lines 10-56, column 14, lines 35-68, and column 15, lines 1-21.

However, none of the cited excerpts teach, disclose or suggest "...quantitative indicators of particular supplier qualities including at least one of desired minimum quantity of patents held, particular minimum magnitude or quantity of grants received, and particular minimum magnitude or quantity of contracts awarded..." For example, FIG. 3b of *Salmon et al.* shows "the process that the Seller's Interface uses to obtain a Product Profile." (col. 6, lines 25-26). "In step 370, the Seller's Interface presents a series of questions such as 'What was your most

significant accomplishment in your most recent job?”” *Salmon et al.* teaches that the candidate’s response to each question is captured as audio and/or video information in step 372 (column 6, lines 52-55) and that documents may be “scanned-in” (line 62). A “character recognizer” is used (column 6, line 64) and “resulting text” is presented “to the seller for review and correction” (column 7, line 1). The buyer then enters “unstructured word associations” (among criteria; *See* column 7, line 54) and the database server retrieves database rows (column 7, line 67). With both seller and buyer information, *Salmon et al.* teaches “queries” that “attempt to match an entire row, for example...or may match only a partial row...” (column 5, lines 6-8).

Applicants respectfully submit that audio and/or video information and “resulting text” does not teach or suggest a quantity or a magnitude as recited in the claim 26. In fact, that there is no teaching or suggestion in *Salmon et al.* to provide “...quantitative indicators...” as recited in claim 26.

Even if patents, grants, and contracts were “scanned-in” (and there is no teaching of suggestion in *Salmon et al.* of scanning anything specific other than “work samples or a resume” at column 6, lines 62-63), there is no teaching or suggestion to provide a “quantity” of patents held, particular minimum “magnitude” or “quantity” of grants received, and particular minimum “magnitude” or “quantity” of contracts awarded.

As such, based on the foregoing amendments and remarks, claim 26 and claim 32 are believed to be in condition for allowance, and applicants respectfully request that the rejection of these claims be withdrawn. Claims 27-31 and claims 33-40 are dependent and therefore require at least what is recited in the claims from which they depend. Accordingly, applicants respectfully request that the rejection of these claims be withdrawn as well.

CONCLUSION


Reconsideration is respectfully requested. Applicants believe the case is in condition for allowance and respectfully request withdrawal of the rejections and allowance of the pending claims.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to **Deposit Account No. 19-3878**.

The Examiner is invited to telephone the undersigned at the telephone number listed below if it would in any way advance prosecution of this case.

Respectfully submitted,

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